

Panaji, 21st September, 2012 (Bhadra 30, 1934)

SERIES I No. 25

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

**NOTE**

There are four Extraordinary issues to the Official Gazette, Series I No. 24 dated 13-9-2012, as follows:—

(1) Extraordinary dated 13-9-2012 from pages 1199 to 1202 regarding The Goa Electricity Duty (Amendment) Act, 2012– Not. No. 7/19/2012-LA & The Goa Shops & Establishments (Amendment) Act, 2012– Not. No. 7/10/2012-LA from Department of Law & Judiciary (Legal Affairs Division).

(2) Extraordinary (No. 2) dated 14-9-2012 from pages 1203 to 1204 regarding Amendment to Schedule 'C' of The Goa Value Added Tax Act, 2005– Not. No. 4/5/2005-Fin (R&C)(95) from Department of Law & Judiciary (Legal Affairs Division).

(3) Extraordinary (No. 3) dated 14-9-2012 from pages 1205 to 1208 regarding increase in salaries of The Goa Panchayats and The Goa Zilla Panchayats members– Not. No. 22/4/DP/2011, Not. No. 19/105/DP/PAN/HON/2011 & Not. No. 22/4/DP/2010 from Department of Panchayati Raj & Community Development (Directorate of Panchayats).

(4) Extraordinary (No. 4) dated 17-9-2012 from pages 1209 to 1216 regarding Market Borrowing Programme of State Government 2012-13 – Not. No. 5-2-2010-Fin(DMU) from Department of Finance (Debt Mang. Div.) & The Goa Minor Mineral Concession (Amendment) Rules, 2012 – Not. No. 34/10/2012-Mines from Department of Mines.

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**GOVERNMENT OF GOA****Department of Animal Husbandry & Veterinary Services**

Directorate of Animal Husbandry & Veterinary Services

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**Order**

2/25/96-AH(Part)/3194

Sanction of the Government is hereby accorded for the revival of one lapsed post of Dy. Director (Planning), Group 'A', Gazetted in the pay scale of PB-3 Rs. 15,600-39,100+GP 6,600/- in the Directorate of Animal Husbandry & Veterinary Services, Panaji.

The expenditure towards pay and allowances shall be debited to the Budget Head 2404—Dairy Development; 00—; 102—Dairy Development Projects; 08—Special Livestock Breeding Programme (Plan); 01—Salaries.

This issues with the concurrence of Finance Department vide their U. O. No. Finance (R&C)/1458967 dated 4-9-2012.

By order and in the name of the Governor of Goa.

Dr. B. Braganza, Director & ex officio Joint Secretary (A.H.).

Panaji, 13th September, 2012.

## Department of Forest

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**Notification**

7-5-2005/FOR/310

In supersession of Notification No. 7-5-2005/ /FOR dated 08-09-2008, the Government of Goa is pleased to revise the Scheme for grant of compensation on account of loss of human life, permanent disability or injury and/or damage to cattle or property caused by Wild Animals on the following terms and conditions and at the rates mentioned below and in Schedule - I attached herewith. The term 'Wild Animal' will be as defined in the Wild Life (Protection) Act, (Central Act 53 of 1972).

1. *In case of loss of human life or permanent disability/incapacitation or injury.*— (a) In case of loss of human life, on the basis of the post-mortem report issued by the Authorized Medical Officer, the amount of compensation to be paid is Rs. 2,00,000/- (Rupees Two lakhs only).

(b) In case of permanent disability/ /incapacitation, a report of the Health Officer-in-charge of the Primary Health Centre/ /Medical Superintendent of the hospital, as the case may be shall be obtained. In case the specialists are not available in the Primary Health Centre/District Hospital or in case the Medical Officers are not competent to certify permanent disability/incapacitation, such cases have to be referred to the Goa Medical College, Bambolim for certification. The amount of compensation to be paid is Rs. 1,00,000/- (Rupees One lakh only).

(c) In case of injury, on the basis of the report of the Health Centre/District Hospital/State Level Hospital, the amount of compensation to be paid is the entire amount of treatment or Rs. 50,000/- (Rupees Fifty thousand only), whichever is less.

(d) No compensation as at (a), (b) and (c) above is payable in case the incident occurs within National Parks/Wildlife Sanctuaries

when the person has entered without valid entry Pass/Permit. This shall be certified by the concerned Deputy Conservator of Forests (DCF) based on the report of concerned Range Forest Officer (RFO) and countersigned by the concerned Asst. Conservator of Forests (ACF)/ /Sub-Divisional Forest Officer (SDFO). However, the decision of Chief Wild Life Warden (CWLW) in this regard will be final to consider the genuinity of claim.

2. *In case of loss of cattle, damage to house or other property.*— The amount of loss shall be paid at the rates as per the Schedule-I attached herewith. For assessing/calculating the losses, Head of concerned Departments shall issue rates per unit from time to time.

3. *Procedure for assessment of amount of loss/damage.*— (A)(I) All cases of loss of life/ /damage by the Wild Animals should be reported by the applicant to the nearest Range Forest Officer (RFO) of the Wildlife Division/ /Territorial Division within 3 days of the occurrence of the incident. The RFO will forward the same duly countersigned by ACF/ /SDFO immediately to his Deputy Conservator of Forests alongwith the report.

(II) In cases of loss of human life, the concerned Deputy Conservator of Forests shall arrange to obtain the post mortem report from the Authorized Medical Officer.

(III) Relief in case of loss of human life shall be granted in the following order of preference to:

(a) Wife or husband, as the case may be.

(b) Sons, unmarried or divorced daughters (equal share).

(c) Daughters (equal share).

(d) Grand children being children of sons or daughters (equal share).

(e) Father or mother.

(f) Failing all the above, any other next of kin entitled to a share in the property of the deceased.

3(B) For the purpose of assessment of the loss/damage caused to the livestock/other property such as house, huts, livestock sheds etc., the following Damage Assessment Committee (DAC) shall verify the various claims and assess the damages caused by the Wild Animals:

- |  |             |
|--|-------------|
| (i) Sub-Divisional Forest Officer/<br>Asst. Conservator of Forests   | Chairperson |
| (ii) Mamlatdar of the respective taluka  | Member      |
| (iii) Veterinary Officer (In case of cattle<br>etc.)/Asst. Engineer, PWD (In case<br>of houses and other property) | Member      |
| (iv) Range Forest Officer of the<br>Respective Range   | Member      |

The Committee shall enquire, investigate and recommend the amount of compensation payable to the owner(s) of house/cattle/other property damaged by Wild Animals in terms of the amount mentioned in the enclosed Schedule - I in accordance with the guidelines mentioned in Annexure-I. The physical inspection should be done at the earliest time possible.

(C) The Committee shall clear the case within 60 days from the receipt of the report of occurrence of the damage.

4. *Payment of compensation for loss of life, permanent disability/incapacitation, injury or damage to live-stock and property.*— (A) Compensation for damages as assessed & recommended by the Damage Assessment Committee (DAC) shall be referred to the Committee consisting of the following:—

1. Dy. Conservator of Forests (Territorial Division).
2. Dy. Conservator of Forests (Wildlife & Eco-tourism Division).
3. Sub-Divisional Magistrate/Deputy Collector or his representative (Gazetted Officer).
4. Assistant Conservator of Forests — Convener.

This Committee shall clear the case within one month (30 days) from the date of receipt of case papers from the Damage Assessment Committee (DAC). This Committee shall have powers to reduce the amount recommended by Damage Assessment Committee for reasons to be recorded in writing.

5. The charge on account of payment of compensation in respect of incident of depredation anywhere in the State will be treated as miscellaneous work of the Forest Department and shall be settled as per the delegation of financial powers delegated vide Notification No. 10-11-87/LA dated 05-02-1990 and as per the revision made from time to time by the Government. The expenditure will be met by the Forest Department from the Budget head of Account of the Department and payment will be made from the office of the concerned Dy. Conservator of Forests. Accordingly, the Dy. Conservator of Forests/Conservator of Forests/Chief Conservator of Forests will exercise the financial powers and issue sanction orders.

This order issues with the concurrence of the Finance Department vide its U. O. No. FIN(EXP)/3105 dated 07-08-2008.

By order and in the name of the Governor of Goa.

*Pushpa Naik*, Under Secretary (Forests).

Porvorim, 14th August, 2012.

#### ANNEXURE – I

#### **Guidelines prescribed by the Government of Goa for payment of compensation to the owners of the cattle/other properties damaged due to Wild Animals**

1. Compensation will be admissible to legitimate residents/visitors if the incident has taken place in any of the Wildlife Sanctuaries or National Parks.
2. The investigation of the incidence of attack by the wild animals shall be initiated as early as possible from the date of the event taking place.
3. In case of death of cattle, etc., suspected to be caused by Wild Animals, the post-mortem report from

the concerned Government Veterinary Officer may be obtained by the owner and the same may be submitted along with the claim to the Range Forest Officer concerned. The concerned nearest Veterinary Officer shall visit the site within 48 hours of the receipt of complaint and furnish Certificate to the owner mentioning loss in Rupees taking parameters as mentioned under point No. 6.

4. The concerned Dy. Conservator of Forests shall investigate the attack on human beings by the wild animals and after effecting payment of compensation, submit the report to the Chief Wildlife Warden/Addl. Principal Chief Conservator of Forests through the Conservator of Forests. The concerned Mamlatdar shall be duty bound to identify the person & furnish requisite Certificate to the Range Forest Officer.

5. In order to decide the payment of compensation to the owner/owners of the cattle which die due to the attack by wild animal, the maximum rate indicated in Schedule-I annexed shall be adhered to. The Director, Department of Animal Husbandry & Veterinary Services shall issue Order/Circular from time to time about different rates to be taken for assessing the compensation to be paid to owners/farmers.

6. For determining the compensation payable in case of death or injury of cattle due to attack by wild animals, the Damage Assessment Committee (DAC) shall take into consideration the following conditions:

(I) The Committee (DAC) should record its finding that the death of the live-stock/cattle was purely due to the attack by the wild animals and not due to any other reason. Cattle include cows (including cross bred cows), bullocks, buffaloes, calves, pigs, horses, donkeys, goats, sheep, etc.

(II) The following details shall be recorded in the findings:—

- i. Age of the animal.
- ii. Milk yield of the animal in case of female.
- iii. Maintenance cost of the animal by the owner.
- iv. Quantity of the animal dropping.
- v. Longevity of the animal.
- vi. Health of the animal.
- vii. Life history of the animal and
- viii. The financial capacity of the owner of the animal etc.

7. The expenditure shall be debitable under the appropriate Scheme/Head of Account of the Forest Department and arranged to be paid by the Divisional Head.

#### SCHEDULE - I

The rate of compensation on account of loss of human life or permanent disability or injury and/or damage to cattle or property caused by Wild Animals would be as follows:—

##### 1. *Ex-gratia* payment for death/injury to human life.

- |   |  |
|---|--|
| (a) For death   | – Rs. 2,00,000/-   |
| (b) For permanent disability<br>(Resulting in loss of limb,<br>eye, etc.) | – Rs. 1,00,000/-   |
| (c) Injury  | – The entire cost<br>of treatment<br>or Rs. 50,000/-<br>whichever is less. |

##### 2. For death/injury to cattle

(a) in case of death of cattle, the compensation will be as assessed by the Damage Assessment Committee subject to a maximum of Rs. 16,000/- in each case.

(b) In case of injury to cattle the compensation in each case will be as per the actual assessment or Rs. 5,000/- whichever is less.

##### 3. For House/Other property

Actual assessment or Rs. 25,000/- per house whichever is less.

##### 4. For any other item not mentioned above, the Committee mentioned at Para 4 shall decide the amount on merits after examining the case recommended by the Committee mentioned at Para 3.

Department of Science, Technology &  
Environment

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**Notification**

1/24/2010/STE-DIR

The following notification published in the Gazette of India is hereby published for the general information of public:—

- (1) S. O. 951 (E) dated 4th December, 2010.
- (2) G.S.R. 252(E) dated 24th March, 2011.
- (3) S. O. 2804 (E) dated 3rd November, 2009.

By order and in the name of the Governor of Goa.

*Michael M. D'Souza*, Director & ex officio  
Joint Secretary (STE).

Saligao, 13th September, 2012.

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**MINISTRY OF ENVIRONMENT AND  
FORESTS**

**Notification**

*New Delhi, the 4th December, 2010*

*G.S.R. 951(E).*— Whereas the wetlands, vital parts of the hydrological cycle, are highly productive, support exceptionally large biological diversity and provide a wide range of ecosystem services, such as waste assimilation, water purification, flood mitigation, erosion control, ground water recharge, microclimate regulation, aesthetic enhancement of the landscape while simultaneously supporting many significant recreational, social and cultural activities besides being a part of the cultural heritage;

And Whereas many wetlands are seriously threatened by reclamation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alterations (water withdrawal and inflow changes) and over exploitation of their natural resources resulting

in loss of biodiversity and disruption in goods and services provided by wetlands;

And whereas India is a signatory to the Ramsar Convention for the conservation and wise use of wetlands, which includes in its ambit a wide variety of habitats, such as rivers and lakes, coastal lagoons, mangroves, peatlands, coral reefs, and numerous man-made wetlands, such as ponds, farm ponds, irrigated agricultural lands, sacred groves, salt pans, reservoirs, gravel pits, sewage farms and canals;

And whereas the Central Government has identified certain wetlands for conservation and management under its conservation programme and provides financial and technical assistance to the State Governments and Union territory Administrations for various conservation activities through approval of the Management Action Plans;

And whereas the National Environment Policy, 2006 recognises the ecological services provided by wetlands and emphasizes the need to set up a regulatory mechanism consistent with the Ramsar Convention to maintain the ecological character of the identified wetlands and develop a national inventory of such wetlands;

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—



(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “Authority” means the Central Wetlands Regulatory Authority constituted under rule 5;

(c) “dredging” means an excavation activity or operation usually carried out at least partly underwater, in shallow sea or fresh water areas with the purpose of gathering up bottom sediments and disposing them off at a different location;

(d) “National Park” means an area declared, as National Park under section 35 or section 38, or deemed to be declared as a National Park under sub-section (3) of section 66, of the Wild Life (Protection) Act, 1972 (35 of 1972);

(e) “Ramsar Convention” means the Convention on Wetlands signed at Ramsar, Iran in 1971;

(f) “UNESCO” means the United Nations Educational, Scientific and Cultural Organisation;

(g) “wetland” means an area or of marsh, fen, peatland or water; natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six meters and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and Forest, S.O. number 114 (E) dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) of dated the 20th February, 1991;

(h) “wildlife sanctuary” means an area declared as a wildlife sanctuary under the provision of Chapter IV of the Wildlife (Protection) Act, 1972 (35 of 1972) and shall include at area deemed to be sanctuary under sub-section (4) of section 66, of the said Act.

(2) The word and expressions used in these rules and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. *Protected wetlands.*— Based on the significance of the functions performed by the wetlands for overall we being of the people and for determining the extent and level of regulation, the following wetlands shall be regulated under these rules, namely:—

(i) wetlands categorised as Ramsar Wetlands of International Importance under the Ramsar Convention as specified in the Schedule.

(ii) wetlands in areas that are ecologically sensitive and important, such as, national parks, marine parks, sanctuaries, reserved forests, wildlife habitats, mangroves, corals, coral reefs, areas of outstanding natural beauty or historical or heritage areas and the areas rich in genetic diversity;

(iii) wetlands recognised as or lying within a UNESCO World Heritage Site;

(iv) high altitude wetlands or high altitude wetland complexes at or above an elevation of two thousand five hundred metres with an area equal to or greater than five hectares;

(v) wetlands or wetland complexes below an elevation of two thousand five hundred metres with an area equal to or greater than five hundred hectares.

(vi) any other wetland as so identified by the Authority and thereafter notified by the Central Government under the provisions of the Act for the purposes of these rules.

4. *Restrictions on activities within wetlands.*— (1) The following activities within the wetlands shall be prohibited, namely:—

- (i) reclamation of wetlands;
- (ii) setting up of new industries and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S. O. number 966 (E) dated the 27th November, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically engineered organisms or cells notified vide GSR number 1037 (E) dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. number 2265 (E) dated the 24th September, 2008;
- (iv) solid waste dumping: Provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements: Provided that the practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules.
- (vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules.

(2) The following activities shall not be undertaken without the prior approval of the State Government within the wetlands, namely:—

- (i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- (ii) harvesting of living and non-living resources;
- (iii) grazing to the level that the basic nature and character of the biotic community is not adversely affected;
- (iv) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields falling within the limits laid down by the Central Pollution Control Board or the State Pollution Control Committee, as the case may be;
- (v) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- (vi) dredging, only if the wetland is impacted by siltation;
- (vii) construction of boat jetties;
- (viii) activities within the zone of influence, as per the definition of wetlands, that may directly affect the ecological character of the wetland;
- (ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- (x) aquaculture, agriculture and horticulture activities within the wetland;
- (xi) repair of existing buildings or infrastructure including reconstruction activities;
- (xii) any other activity to be identified by the Authority.

(3) Notwithstanding anything in sub-rule (1) or sub-rule (2), the Central Government may permit any of the prohibited activities or non-wetland use in the protected wetland on the recommendation of the Authority.

(4) The State Government shall ensure that a detailed Environment Impact Assessment is carried out in accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests S.O. number 1533 (E) dated the September 14th, 2006 as amended from time to time.

(5) No wetland shall be converted to non-wetland use unless the Central Government is satisfied on the recommendation of the Authority that it is expedient in the public interest and reasons justifying the decision are recorded.

5. *Constitution of Central Wetlands Regulatory Authority.*— (1) The Central Government, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), hereby constitutes Central Wetlands Regulatory Authority consisting of the following Chairpersons and members for the purpose of these rules, namely:—

(a) Secretary, Ministry of Environment and Forests, Government of India — Chairperson;

(b) a representative (not below the rank of Joint Secretary) from Ministry of Tourism, Government of India —Member ex officio;

(c) a representative (not below the rank of Joint Secretary) from Ministry of Water Resources, Government of India —Member ex officio;

(d) a representative (not below the rank of Joint Secretary) from Ministry of Agriculture, Government of India — Member ex officio;

(e) a representative (not below the rank of Joint Secretary) from Ministry of Social Justice, Government of India —Member ex officio;

(f) Chairman or his nominee, the Central Pollution Control Board— Member ex officio;

(g) Joint Secretary or Adviser, dealing with the wetland in the Ministry of Environment and Forests, Government of India —Member ex officio;

(h) Dr. Asad R. Rahmani, Director, Bombay Natural History Society, Hornbill House, Dr. Salim Ali Chowk, Shaheed Bhagat Singh Road, Mumbai-400 023, Expert Ornithology —Member;

(i) Dr. M. R. D. Kunadangar, Darul Aloom Qasmia Lane, Botshah Mohalla, Lal Bazar, Srinagar, Kashmir, Expert Limnology— Member;

(j) Dr. C. K. Varshney, 88 Vaishali, Pitampura, New Delhi-110034; Expert Ecology — Member;

(k) Dr. E. J. James, Director, Water Institute, Karunya University, Coimbatore, Tamil Nadu; Expert Hydrology) —Member;

(l) Director or Additional Director or Joint Director dealing with the Wetland in the Ministry of Environment and Forests — Member Secretary;

(2) The term of the Authority shall be three years effected from the date of publication of the notification referred to in sub-rule (1).

(3) The Authority shall exercise the following powers and perform the following functions, namely:—

(i) appraise proposals for identification of new wetlands, projects or activities in consultations with the concerned local authorities;



(ii) identify and interface with the concerned local authorities to enforce the provisions contained under these rules and other laws for the time being in force;

(iii) grant clearances or identify in consultation with the local state government, the areas for the grant of clearance for regulated activities in the wetlands within their respective jurisdictions;

(iv) determine, in consultation with concerned local authority, the zone of direct influence of the wetlands;

(v) issue whatever directions, necessary for the conservation, preservation and wise use of wetlands to the State Governments.

(4) The Authority shall periodically review the list of wetlands and the details of prohibited and regulated activities under the rules.

(5) The Authority shall specify the threshold levels for activities to be regulated and the mode and methodology for undertaking activities in wetland.

6. *Process for identification of wetlands under different categories.*— (1) Wetlands covered under item (i) of rule 3 specified under Schedule shall be the wetland to be regulated under these rules.

(2) The States Government shall prepare, within a period of one year from the commencement of these rules, 'Brief Document' identifying and classifying the wetlands within their respective territories in accordance with the criteria specified under Rule 3 and submit the same to Authority.

(3) The 'Brief Document' of each wetland for identification shall comprise of following information, namely:—

(i) broad geographic delineation of the wetland;

(ii) its zone of influence along with a map (accurate and to scale);

(iii) the size of the wetland;

(iv) account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland.

(4) The Authority, shall on receipt of the 'Brief document' under sub-rule (2), if consider it necessary refer in consultation with the State Government to a research institute or university having relevant multi-disciplinary expertise related to wetlands, to conduct a comprehensive survey of the wetland within a period of thirty days: Provided that the institute or university to which the matter has been referred under sub-rule (4) shall submit a report within next ninety days from the date of such reference to Authority, which shall contain information with respect to the criteria specified under rule 3.

(5) The Authority shall, thereafter, arrive at a decision in consultation with the State Government, on the proposal, within a period of ninety days from the date of receipt of the report under sub-rule (4).

(6) The Central Government shall on the receipt of the recommendation of the Authority notify the area of wetlands as recommended by the Authority for public information inviting objections and suggestions from the general public likely to be affected to make representation to the Central Government within a period of sixty days.

(7) The Authority shall consider all the representations which the Central Government may receive under sub-rule (6) and submit its recommendation on the such representations to Central Government within a period of sixty days for final notification;

(8) The Central Government shall on receipt of the recommendations of the Authority under sub-rule (7) issue a final notification notifying therein the area of the wetland its category or classification to be regulated under these rules and display the said notification in public places in English and vernacular languages.

(9) The Authority may, *suo moto* or on application made to it, review any decision under these rules or issue direction for inclusion of wetland under these rules.

7. *Overlapping provisions.*— (1) The wetlands within the protected areas of the National Parks and Wildlife Sanctuaries shall be regulated by the provisions of Wildlife (Protection) Act, 1972 (35 of 1972).

(2) The wetlands within the protected or notified forest areas shall be regulated by the provisions of the Indian Forest Act, 1927 (16 of 1927); the Forest (Conservation) Act, 1980 (69 of 1980); and the Environment (Protection) Act, 1986 (29 of 1986).

(3) The gaps in the regulation of wetlands within the protected and notified forest areas, if any, under the provisions of the Indian Forest Act, 1927; Wildlife (Protection) Act, 1972; and Forest (Conservation) Act, 1980; shall be plugged by invoking provisions of the Environment (Protection) Act, 1986.

(4) The wetlands situated outside the protected or notified forests areas referred to in sub-rule (2) shall be regulated by the relevant provisions of the Environment (Protection) Act, 1986 (29 of 1986).

8. *Enforcement of regulated activities.*— (1) The identified activities for management and wise use of wetlands situated within the protected or notified forest areas referred to in sub-rule (2) of rule 7 shall be regulated by the Forest Department of the State concerned.

(2) The identified activities for management and wise use of wetlands situated outside the protected or notified forest areas shall be regulated by the nodal Department or the relevant local state agencies to be designated by the State Government within a period of six months from the date of commencement of these rules.

9. *Appeals against the decisions of Authority.*—Any person aggrieved by the

decision of the Authority may prefer an appeal to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 (19 of 2010) within a period of sixty days from the date of such decision: Provided the National Green Tribunal may entertain any appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

#### THE SCHEDULE

[See rule 3(i)]

#### List of wetlands in India identified as Ramsar sites under Ramsar Convention on Wetland

| Serial Number | Name of Wetland                            | State             |
|---------------|--|-------------------|
| (1)           | (2)  | (3)               |
| 1             | Ashtamudi Wetland                          | Kerala            |
| 2             | Bhitarkanika Mangroves                     | Orissa            |
| 3             | Bhoj Wetland                               | Madhya Pradesh    |
| 4             | Chilika Lake                               | Orissa            |
| 5             | Deepor Beel                                | Assam             |
| 6             | East Calcutta Wetlands                     | West Bengal       |
| 7             | Harike Lake                                | Punjab            |
| 8             | Kanjli                                     | Punjab            |
| 9             | Keoladeo National Park                     | Rajasthan         |
| 10            | Kolleru Lake                               | Andhra Pradesh    |
| 11            | Loktak Lake                                | Manipur           |
| 12            | Point Calimere Wildlife and Bird Sanctuary | Tamil Nadu        |
| 13            | Pong Dam Lake                              | Himachal Pradesh  |
| 14            | Ropar                                      | Punjab            |
| 15            | Sambhar Lake                               | Rajasthan         |
| 16            | Sasthamkotta Lake                          | Kerala            |
| 17            | Tsomoriri                                  | Jammu and Kashmir |
| 18            | Vembanad-Kol Wetland                       | Kerala            |
| 19            | Wular Lake                                 | Jammu and Kashmir |
| 20            | Chandratal                                 | Himachal Pradesh  |
| 21            | Renuka                                     | Himachal Pradesh  |
| 22            | Rudrasagar                                 | Tripura           |
| 23            | Uppar Ganga                                | Uttar Pradesh     |
| 24            | Hokarsar (Hokera)                          | Jammu and Kashmir |
| 25            | Surinsar and Mansar (complex)              | Jammu and Kashmir |

[F. No. J.-22012/31/05-CS(W)]  
R. MEHTA, Adviser

**Notification***New Delhi, the 24th March, 2011*

G.S.R. 252(E).—In exercise of the powers conferred by Section 25 read with sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby appoints the following non-official member to the Central Wetlands Regulatory Authority and for that purpose amends the notification number G.S.R. 951(E) dated the 4th December, 2010, on and from the date of publication of this notification, namely:—

In the said notification, in rule 5, in sub-rule (1), in item (i), for the entry relating thereto, the following entry shall be substituted, namely:—

“5(1)(i) Prof. A. R. Yousuf,  
Dean, Academic Affairs and  
Biological Sciences University of  
Kashmir, Srinagar, Jammu and  
Kashmir”.

[F. No. J-22012/31/2005-CS(W)]  
Dr. S. KAUL, Advisor

**Notification***New Delhi, the 3rd November, 2009*

S.O. 2804(E).—Whereas, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E) dated the 14th September, 1999 (hereinafter referred to as the said notification) issued under sub-section (1), clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred

kilometers from coal or lignite based thermal power plants;

And whereas, the term “fly ash” means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and bottom ash, but, for the purpose of this notification, the term “fly ash” means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

And Whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

And Whereas, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

And whereas, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31st August, 2007, the date prescribed for 100% utilisation of fly ash based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

And whereas, the representations of the brick kiln owners were considered with

regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

And whereas, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

And whereas, the Central Government is of the opinion that the said notification should be amended;

And whereas, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft of amendment to the Government of India, Ministry of Environment and Forests notification No. S.O.763 (E) dated the 14th September, 1999 duly amended vide notification No. S.O. 979 (E) dated the 27th August, 2003 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2008 *vide* S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And whereas, copies of the said Gazette were made available to the public on the day of 6th November, 2008;

And whereas, the objections and suggestions received from various persons or agencies likely to be affected thereby in

respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely:—

#### AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word “ash” wherever it occurs, the words “fly ash” shall be substituted.

2. In the said notification, in paragraph 1,—

(a) for sub-paragraph (1), the following shall be substituted, namely:—

“(i) use of fly ash based products in construction activities”;

(b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:—

“(1A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction



or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable”;

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:—

“(1C) Minimum fly ash content for building materials or products to qualify as “fly ash based products” category shall be as given in the Table I below:

**Table I**

| Sr. No. | Building Materials or Products  | Minimum % of fly ash by weight  |
|---------|---|---|
| 1       | 2   | 3   |
| 1.      | Fly ash bricks, blocks, tiles, etc., made with fly ash, lime, gypsum, sand, stone dust etc., (without clay)                         | 50% of total input materials.   |
| 2.      | Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc., wherein cement is used as binder | Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content. |
| 3.      | Cement  | 15% of total raw materials.   |
| 4.      | Clay based building materials such as bricks, blocks, tiles, etc.   | 25% of total raw materials.   |
| 5.      | Concrete, mortar and plaster  | Usage of PPC (IS-1489: Part-I) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content. |

(d) in sub-paragraph (2), for the brackets and number “(1)”, the brackets, number and letter “(1C)” shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);

(e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1(A) and 1(B) and the amended paragraph 2(A) is to be numbered as 1(E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely:—

“(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.”;

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, namely:—

“(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. Any unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake



construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organisation or on production of a certificate of "fly ash not available" from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available";

(i) in sub-paragraph (6), for the words "Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project", the words "Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project" shall be substituted;

(j) for sub-paragraph (7), the following sub-paragraphs shall be substituted, namely:—

"(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable;

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology,

Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), 8 (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii)";

3. In the said notification, in paragraph 2.— (a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted, namely:—

"(1) All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:—

(i) the pond ash should be made available free of any charge on "as is where is basis" to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible:

Provided that the fly ash obtained from the thermal power station should be utilized only

for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the Table II given below:—

**Table II**

| Sr. No. | Percentage Utilization of Fly Ash  | Target Date  |
|---------|------------------------------------|--|
| 1       | 2                                  | 3  |
| 1.      | At least 50% of fly ash generation | One year from the date of issue of this notification.    |
| 2.      | At least 60% of fly ash generation | Two years from the date of issue of this notification.   |
| 3.      | At least 75% of fly ash generation | Three years from the date of issue of this notification. |
| 4.      | At least 90% of fly ash generation | Four years from the date of issue of this notification.  |
| 5.      | 100% fly ash generation            | Five years from the date of issue of this notification.  |

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units

commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:—

**Table III**

| Sr. No. | Fly ash utilization level          | Target Date                                 |
|---------|------------------------------------|---|
| 1       | 2                                  | 3   |
| 1.      | At least 50% of fly ash generation | One year from the date of commissioning.    |
| 2.      | At least 70% of fly ash generation | Two years from the date of commissioning.   |
| 3.      | 90% of fly ash generation          | Three years from the date of commissioning. |
| 4.      | 100% of fly ash generation         | Four years from the date of commissioning.  |

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.”;

(b) in sub-paragraph (4), for the words “six months”, the words “four months” shall be substituted;

(c) for sub-paragraph (6), the following sub-paragraphs shall be substituted, namely:—

“(6) The amount collected from sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent fly ash utilization

level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.”;

4. In the said notification, in paragraph 3.—

(a) in sub-paragraph (2), for the words “schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification”, the words “tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification” shall be substituted;

(b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:—

“(2A) Building construction agencies both in public and private shall prescribe

the use of fly ash and fly ash-based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.”;

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:—

“(2B) All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall within a period of four months from the publication of this notification:—

(a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and

(b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).

(3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.

(4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.

(5) All financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.

(6) A Monitoring Committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this

notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the

Committee will meet at least once in every quarter.

[F. No. 9-8/2005-HSMD]

G. V. SUBRAHMANYAM, Scientist 'G'

*Foot Note:*— The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide notification number S.O. 763(E), dated the 14th September, 1999 and was amended *vide* notification number S. O. 979(E), dated the 27th August, 2003.

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